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Attorneys for Plaintiff HP Tuners, LLC

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

HP TUNERS, LLC, a Nevada limited liability  
company,

Plaintiff,

vs.

KENNETH CANNATA,

Defendant.

Case No. 3:18-cv-00527-LRH-WGC

**STIPULATION TO WITHDRAW JURY  
DEMANDS AND TO PROCEED BY  
BENCH TRIAL**

Pursuant to Fed. R. Civ. P. 38(d), Plaintiff HP Tuners, LLC (“HP Tuners” or “Plaintiff”) and Defendant Kenneth Cannata (“Cannata” or “Defendant”) (together, the “Parties”), by and through their respective counsel, hereby file this Stipulation to Withdraw Jury Demands and to Proceed by Bench Trial.

1. In its Complaint for Injunctive Relief and Damages, Plaintiff demanded a jury trial consistent with Fed. R. Civ. P. 38(b) and LR 38-1. Docket No. 1.

2. In his Answer to Complaint for Injunctive Relief and Damages, Defendant demanded a jury trial pursuant to Fed. R. Civ. P. 38(b). Docket No. 45.

3. In the Joint Pretrial Order, the parties informed the Court of their intention to stipulate to waive their respective requests for a trial by jury in this matter and to proceed with a bench trial. Docket No. 171, p. 19, ll. 13-14.

4. Pursuant to Fed. R. Civ. P. 38(d), the Parties hereby withdraw their respective demands to proceed with trial by jury in this matter.

5. The Parties further stipulate and consent to proceed with a bench trial.

DATED this 9th day of December, 2022.

FLETCHER & LEE

SHEA LARSEN

/s/ Elizabeth Fletcher, Esq.  
ELIZABETH FLETCHER, ESQ.  
CECILIA LEE, ESQ.

/s/ Bart Larsen, Esq.  
BART LARSEN, ESQ.  
Attorney for Defendant, Kenneth Cannata

MARKS & KLEIN

/s/ Andrew P. Bleiman, Esq.  
ANDREW P. BLEIMAN, ESQ.  
Attorneys for Plaintiff HP Tuners, LLC

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE